

Watertown Licensing Board

Rules and Regulations



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Section I: Jurisdiction

Pursuant to the laws of the Commonwealth of Massachusetts and ordinances enacted by the Town Council of Watertown, Massachusetts, the Licensing Board has jurisdiction over the following types of establishments and activities in Watertown:

- All retail package goods stores and other establishments (such as restaurants) selling alcoholic beverages, wines, or malt beverages
- All restaurants, including but not limited to such common victuallers as sandwich shops and take-out stores
- All commercial clubs, private clubs, veterans' clubs, performing arts centers, and similar establishments which also serve alcoholic beverages, wines, or malt beverages
- All groups and individuals selling alcoholic beverages, wines, or malt beverages under special one-day licenses
- All operators providing motor vehicle repairs or installing "after-market" equipment
- All automobile dealers (Classes I, II, and III)
- All operators providing motor vehicles for hire; all hackney carriage operators; and all medallions and taxi stands used by such operators
- All operators providing limousine or livery service or shuttle and package delivery¹
- All operators offering open-air parking spaces
- All parades, block parties, road races, sidewalk sales, auctions, and other licensed activities as specified in Section X of these Rules and Regulations

In all cases, licenses must be obtained from the Watertown Licensing Board prior to conducting the specified activities or operating sites where licensed activities will be conducted. Failure to do so may be considered evidence of bad character when considering a license application and shall also expose the violator to fines and other penalties as provided for in the ordinances of the Town of Watertown and in these Rules and Regulations.

Additional information on activities regulated by the Watertown Licensing Board is available from the Licensing Board Clerk in the Town Clerk's Office at the Administration Building.

¹ Commonwealth law requires the Town Council to approve shuttle/jitney licenses. The Licensing Board recommends approval or denial.

Section II: Applications and Public Hearings

Applications for licenses may be obtained from the Licensing Board Clerk in the Town Clerk's Office. Applicants must complete all the forms required for a particular license, then submit the completed forms to the Licensing Board Clerk.

When required, the Watertown Licensing Board will conduct public hearings on applications only after receiving a completed set of all the forms required for the license. Scheduling of these hearings shall also provide sufficient time for any required legal notices to be published and for any required notices to be sent to abutters.

Public hearings generally will be scheduled for the month following the submission of a completed application, provided that reviews and investigations have been completed by the Watertown Police Department, Watertown Fire Department, Watertown Health Department, and any other local authorities with jurisdiction over the proposed operation.

Upon completion of a hearing, the Licensing Board will vote upon the application. However, licenses that have been approved go into effect only upon receipt of a written notification of the Licensing Board's action, and only on the date and time (if any) specified. In some cases—for example, if the application is for a liquor license—approval by the Alcoholic Beverages Control Commission also may be required before the license can be issued.

In addition to the initial public hearing, the Licensing Board may ask a licensee to report on current activities and, when warranted, may require a licensee to attend a Show Cause hearing.

A. Notifications to Abutters, Schools, Hospitals, Churches

Some license applications require formal notification to abutters, as specified by provisions of the Massachusetts General Laws (Chapter 138, Section 15A, 204 CMR 2.11; Chapter 138, Section 12; Chapter 140, Sections 59, 177; Chapter 148, Section 13); and by ordinances of the Town of Watertown and regulations of the Watertown Licensing Board.

The licenses requiring abutter notifications are as follows:

- Alcoholic beverages and wine/malt beverages
- Common victualler
- Sales of motor vehicles and repair of motor vehicles
- Livery, limousine, shuttle/jitney service, and vehicle-for-hire services
- Open-air parking spaces for a fee
- Storage of inflammables

- Bowling alleys and billiard/pool/sippio tables
- Extended hours (24-hour sales of food; 24-hour sales of gasoline)

Notifications shall be sent to abutters by registered mail, and the return receipts shall be provided to the Licensing Board prior to the hearing on the license application.

For purposes of notification, an abutter is an owner of land either adjacent to (front or back or sides) the premises to be licensed or opposite those premises on a public or a private street.

In addition to the abutter notifications, applicants for licenses to sell alcoholic beverages must notify any school, church, or hospital located within a radius of 500 feet from the premises to be licensed. The distance is to be measured in a straight line from the nearest point of the school, church, or hospital building to the nearest point of the premises to be licensed.

Applicants for licenses that require notification must obtain a list of abutters certified by the Watertown Assessors Office prior to sending the notifications. The request and submission to the Assessors Office will be coordinated by the Licensing Board Clerk.

B. Show Cause Hearings

Licensees in violation of the terms under which a license has been granted, or in violation of the ordinances or rules and regulations of Watertown, or in violation of state laws that apply to the licensed activity may be summoned to a Show Cause Hearing. (For details, see Section XII of these Watertown Licensing Board Rules and Regulations.)

A Show Cause Hearing may be requested by the Watertown Police Department, Fire Department, Zoning Enforcement Officer, Health Department, Collector/Treasurer, or any other local authority with responsibility for overseeing the activities conducted by the licensee. In addition, the Licensing Board may conduct a Show Cause Hearing on its own initiative.

If the Licensing Board schedules a Show Cause Hearing, the licensee shall be asked to appear at a designated place and time to respond to the complaint(s). At this public hearing, the licensee may be represented by an attorney and will have the opportunity to answer questions about the reported violation(s).

Upon hearing the complaint(s), the Licensing Board may vote to suspend or revoke the license, alter its terms, revise the operating conditions, change the hours of operation, or apply any other remedies that address the issue(s) described in the Show Cause hearing.

Section III: General Requirements

The following regulations apply to all licensees in Watertown.

1. Licensees may conduct the licensed activity only during the dates and times specified in the license.
2. All licenses and permits, including building and occupancy permits, shall be kept in an accessible place on the premises and be available at all times to the proper authorities.
3. All licensees shall cooperate with authorized agents of the Licensing Board in their investigation or inspection of the licensed premises or operation. Authorized agents include, but are not necessarily limited to, any Watertown police officer.
4. Licenses must be obtained from the Licensing Board prior to conducting the licensed operation. Approved licenses must be picked up from the Licensing Board Clerk within 14 days of notification that the license is available for use. **Licenses that are not picked up within the specified period will become void.**
5. In addition to the general requirements, each licensee is also subject to any rules and regulations specific to the particular type of licensed activity conducted, as detailed in these regulations or enacted by the Commonwealth of Massachusetts.
6. Licensees shall promptly call 911 and take all other reasonable steps to assist persons on the premises or persons that enter the premises who suffer an injury, experience a health-related medical emergency, or are otherwise incapacitated.

In addition to the general requirements, each licensee is also subject to any rules and regulations specific to the particular type of licensed activity conducted, as detailed in these regulations or enacted by the Commonwealth of Massachusetts.

There are no automatic license renewals. An application for renewal must be submitted each year to the Licensing Board Clerk.

Licensees generally are not required to attend the renewal hearing. If attendance is necessary, the Licensing Board will notify the licensee.

Section IV: Licenses to Sell Alcohol

Establishments selling and serving alcohol are licensed under the provisions of Massachusetts General Laws Chapter 138. In addition to the General Requirements outlined in Section III of these Watertown Licensing Board Rules and Regulations, the following regulations apply to all establishments serving alcoholic beverages: retail package goods stores, common victuallers, private clubs or organizations, and centers for the performing arts qualified and operating pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

A. General Rules for Alcohol Licenses

All licensees must appoint managers, post the licenses and permits, and notify the Licensing Board of any proposed changes and/or alterations in the management, the hours of operation, or the physical premises.

1. Managers

- a. Each licensee, whether an individual, a partnership, a corporation, or an association, must appoint a manager by a properly authorized and executed delegation.
- b. It shall be the responsibility of the manager to:
 - 1) Obey all statutes of the Commonwealth, all rules of the Alcoholic Beverages Control Commission, all Rules and Regulations of the Watertown Licensing Board, and all Watertown ordinances.
 - 2) Know the whereabouts of any and all lists, licenses, and documentation required by the Licensing Board rules or by statute, including but not limited to lists of current employees. Further, the manager must direct any duly authorized agent of the Board to such information upon request.
 - 3) Notify the police of any disturbance or illegal activity on the licensed premises of which he becomes aware.
 - 4) Sign the annual application for renewal of the license.

In addition to the general regulations on pages 5 and 6, establishments serving alcohol also must comply with the specific rules governing their type of establishment:

- Rules specific to retail package goods stores begin on page 7.
- Rules specific to restaurants and commercial clubs begin on page 9.
- Rules specific to private and veterans' social clubs begin on page 14.
- For rules specific to farmer-wineries and performance centers, see 18 and 21.

- c. Any notice sent to the licensee may be sent by the Licensing Board addressed to the attention of the manager as named in the records of the Licensing Board. Any such notice sent to the manager of record or the owner at the address of the licensed premises shall constitute valid legal notice to the licensee.

2. Information to Be Posted

- a. All licenses and permits, including building and occupancy permits, shall be kept in an accessible place on the premises and shall be available at all times to the proper authorities.
- b. A current list of employees shall be available upon the request of authorized agents of the Licensing Board. The list shall include the full name, the date of birth, and the Social Security number of each employee as well as that employee's residential street address.
- c. Licensees shall keep posted any other material required to be posted by statute or by rule of the Alcoholic Beverages Control Commission.

3. Required Notice to Licensing Board

- a. A proposed change of manager requires prior approval of the Licensing Board.
- b. No physical renovations shall be made to the licensed premises until an application and a building plan are first submitted to and approved by the Licensing Board.

4. Prohibited Activities

- a. No licensee shall keep for sale, or store, or sell alcoholic beverages in any part of the premises not specified in its license.
- b. No delivery of alcoholic beverages shall be made except during the legal hours of sale specified for the licensee.
- c. No devices or electronic equipment shall be used by any employee, member, or associate of the licensed premises for the purpose of signalling employees, patrons, owners, or others that agents of the licensing authority are present.

5. Insurance

- a. Applicants for issuance or renewal of licenses authorizing sale of alcohol to be drunk on the premises, under Section 12 of General Laws Chapter 138 must provide proof of liquor legal liability insurance providing coverage for bodily injury or death in the

minimum amount of \$250,000 for injury to or death of one person and \$500,000 for any one incident resulting in injury to or death of more than one person.

- b. Such proof shall be in the form of a certificate of insurance acceptable to the Licensing Board.

B. Retail Package Goods Stores (c.138 §15)

In addition to the General Requirements for all licensees (Section III, Watertown Licensing Board Rules and Regulations) and the General Rules for Alcohol Licenses specified in Section IV.A of the Watertown Licensing Board Rules and Regulations, the owners and operators of retail package goods stores must follow additional regulations as detailed in this section.

1. Hours and Days of Operation

- a. Licensees may be open for business Monday through Saturday and on all legal holidays with the exception of the following days: the last Monday in May, Thanksgiving Day, Christmas Day, and the day following Christmas Day if Christmas Day falls on a Sunday.
- b. Licensees may be open for business from 8 a.m. to 11 p.m. on any day they are permitted to be open, unless the hours are otherwise restricted by the Licensing Board. However, licensees shall be permitted to make sales until 11:30 p.m. on any day immediately preceding a legal holiday.
- c. Licensees may be open for business on Sunday, but not before 10:00 a.m. Sunday sales are also subject to other restrictions provided by law, such as no sales on Christmas Day if Christmas falls on a Sunday.

2. Requirements for the Sale of Beer and Other Alcohol in Kegs

- a. When providing kegs of beer or other alcoholic beverage in any size to any person, licensees must:
 - 1) Place a numbered identification band on the handle of the keg.
 - 2) Obtain a deposit of \$50 for each keg. This deposit shall be refunded only if purchaser returns the keg with the same numbered band intact.
 - 3) Inform the purchaser that the \$50 deposit will be forfeited if the keg is not returned with its numbered identification band intact. Also inform the purchaser that kegs must be returned to the place of purchase within 60 days unless an extended period is requested at the time of purchase.

- 4) Require positive identification from the purchaser. This identification must be the same as the identification required to demonstrate that the person is of proper age for the purchase of alcohol.
- 5) Log the identifying number of the keg and the purchaser's name, date of birth, and address in a journal kept expressly for that purpose on the licensed premises. This journal must be available at all times for inspection by any Watertown Police Officer.
- 6) Include the cost of the identification band in the keg's purchase price.

3. Posted Information

- a. In addition to the licenses, permits and employee lists as specified in Section IV. A.2 of the Watertown Licensing Board Rules and Regulations, retail package goods stores shall keep a price list of beverages and post the list conspicuously in each room where beverages are sold. All prices that can be seen by customers in a licensed store—whether on shelves, in printed or posted flyers or circulars, or in any other form of display—must correspond with the currently posted price list.

4. Notices to the Licensing Board

- a. Because the licensing of premises for the sale of alcoholic beverages is for the convenience of the public, no licensee shall close the licensed place of business for longer than two (2) consecutive business days without first notifying the Licensing Board, in writing, of the reason for the closing and the length of the closing. Unexplained closings and closings for periods longer than 30 days may result in a Show Cause hearing (see Section XII of the Watertown Licensing Board Rules and Regulations).
- b. No licensee shall surrender the license without first notifying the Licensing Board in writing of the reason for surrender and obtaining approval for that surrender.
- c. No licensee shall pledge the stock in the licensed business or sell or transfer the license without the prior approval of the Licensing Board and of the Alcoholic Beverage Control Commission.
- d. The licensee shall notify the Licensing Board immediately, in writing, whenever an assignee of the stock of a corporation licensed under Massachusetts General Laws Chapter 138 or Chapter 140 forecloses under such an assignment of stock.
- e. The licensee shall notify the Licensing Board immediately, in writing, of any court proceedings—including, but not limited to, voluntary or involuntary bankruptcy—commenced against the licensee or on the licensee's behalf, that may affect the status of the license.

5. Prohibited Practices

- a. No licensee may permit any rule, policy, or action, express or implied, which makes any distinction, discrimination or restriction on account of race, color, religious creed, national origin, ancestry, or sex relative to the admission or treatment of any persons from the general public or employees of the licensed premises.
- b. No alcoholic beverages shall be sold to be drunk on the premises.
- c. No licensee shall contract bills for the licensed place of business under any corporate or trade name other than the name under which the licensee is licensed.
- d. There shall be no disorder, gambling, or other illegal activity on the licensed premises.

C. Restaurants and Commercial Clubs (c.138 §12)

In addition to the General Requirements for all licensees (Section III of the Watertown Licensing Board Rules and Regulations) and the General Rules for Alcohol Licenses specified in Section IV.A of these Rules and Regulations, owners and operators of restaurants and commercial clubs selling or serving alcoholic beverages must follow the regulations detailed in this section.

1. Hours and Days of Operation

- a. Unless restricted or expanded by the Licensing Board, licensees may be open for business Monday through Saturday from 8 a.m. to 1 a.m.
- b. In general, licensees may not operate on Sunday. However, to accommodate licensees that derive the bulk of their income from the sale of food and which also wish to provide diners with alcoholic beverages as a complement to the food service, the Licensing Board may allow a restaurant licensee to operate on Sunday during hours specified by the Board, upon application for approval of Sunday hours and subject to the following provisions:
 - 1) Sunday operating hours may be approved provided the licensed establishment derives 60% or more of its gross revenues from the sale of food.
 - a) Proof of this percentage shall be computed, documented, and signed by a certified public accountant. The computation shall reflect sales for the 12-month period immediately preceding the request submitted to the Licensing Board. The documentation shall be submitted on the form titled Restaurant Food/Liquor Sales Report, which can be obtained from the Licensing Board Clerk.
 - b) Regardless of the ratio of food-to-alcohol sales, the grant of Sunday hours is entirely at the discretion of the Licensing Board, and the Board may take into

consideration other factors such as neighbor-hood location, parking availability, previous operations at the site, and the judgment of the Board as to whether the Sunday opening is appropriate for the public need and common good and for the safety of Watertown.

- c) If Sunday hours are granted, proof of compliance with the requirement for food sales must be submitted to the Licensing Board each year no later than May 1. Documentation shall be submitted on the form titled Restaurant Food/Liquor Sales Report, which can be obtained from the Town Clerk's office. Failure to provide the annual report may result in a Show Cause hearing.
- 2) Failure to maintain at least 60% of gross revenues from the sale of food shall be cause for revoking the Sunday hours. The Board shall provide notice to the licensee and convene a Show Cause hearing before revoking Sunday hours.
- 3) Sunday hours of operation set by the Licensing Board for service of alcoholic beverages shall be no noon no later than 12 midnight.
- 4) When a license for which Sunday hours have been approved is transferred, the new licensee shall not automatically be entitled to Sunday hours. The Licensing Board may require, as a condition of approving Sunday hours, proof of compliance with the 60% gross revenues requirement by the new licensee for a minimum period of up to 12 months.

2. Capacity of Licensed Premises

- a. The Licensing Board shall set the actual allowable capacity for each restaurant or club licensed under this section. Once set, the capacity figure shall be a condition of the license.
- b. The Licensing Board retains the right to increase or to decrease the maximum allowable capacity of a licensed premise, as it deems fit.
 - 1) The Board shall provide notice to the licensee of its intention to modify or to restrict the allowable capacity, and shall provide the licensee with an opportunity for a hearing prior to the modification or restriction.
 - 2) A licensee who wishes to increase the capacity of the licensed premises must first obtain approval of that increase from the Licensing Board.
- c. Licensees cannot renovate the licensed premises to increase capacity without first obtaining the approval of the Licensing Board.

- 1) Approval to modify the licensed premises shall be subject to approval of the renovations by the Watertown Building Department. Approval of a renovation plan by the Building Department does not ensure approval by the Licensing Board.

3. Posted Information for Restaurants and Commercial Clubs

- a. In addition to the licenses, permits and employee lists as specified in Section IV.A.2 of the Watertown Licensing Board Rules and Regulations, restaurants and commercial clubs shall post in a conspicuous place a legible sign stating the hour at which Last Call for alcoholic beverages service shall be announced or in effect.
 - 1) This hour shall be no later than 12:30 a.m. and shall, in any case, be given 30 minutes before the time of the closing of the establishment.

4. Notices Required to the Licensing Board

- a. Because the licensing of premises for the sale of alcoholic beverages is for the convenience of the public, no licensee shall close the licensed place of business for longer than two (2) consecutive business days without first notifying the Licensing Board in writing of the reason for the closing and the length of the closing. Unexplained closings and closings for periods longer than 30 days may result in a Show Cause hearing (see Section XII of the Watertown Licensing Board Rules and Regulations).
- b. No licensee shall surrender the license without first notifying the Licensing Board in writing of the reason for surrender and obtaining approval.
- c. No licensee shall pledge the stock in the licensed business without the prior approval of the Licensing Board and of the Alcoholic Beverage Control Commission.
- d. No license shall be sold or transferred without the prior approval of the Licensing Board and of the Alcoholic Beverage Control Commission.
- e. The licensee shall notify the Licensing Board immediately whenever an assignee of the stock of a corporation licensed under Massachusetts General Laws Chapter 138 or Massachusetts General Laws Chapter 140 forecloses under such an assignment of stock.
- f. The licensee shall notify the Licensing Board immediately, in writing, of any court proceedings—including, but not limited to, voluntary or involuntary bankruptcy—commenced against the licensee or on the licensee's behalf, that may affect the status of the license.

- g. No licensee shall enter into an agreement with an independent contractor to provide beverages or food or entertainment or management at the licensed premises without the prior approval of the Licensing Board.

5. Prohibited Practices

- a. No licensee may permit any rule, policy, or action, express or implied, that makes any distinction, discrimination or restriction on account of race, color, religious creed, national origin, ancestry, or sex relative to the admission or treatment of any persons from the general public or employees of the licensed premises.
- b. Patrons are not permitted to bring alcoholic beverages onto the licensed premises for consumption by themselves or by their guests. The licensee shall be held liable for a violation of this rule if any of its employees permits a violation by failing to notify the patrons to cease any such illegal activity after they become aware of the activity or should have become aware of it in the exercise of reasonable prudence.
- c. No alcoholic beverages may be sold for consumption off the licensed premises.
- d. No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge, in whole or in part, shall not be credited toward the purchase price of any alcoholic beverage.
- e. No licensee or employee or agent of a licensee shall offer or deliver any free drinks to any person or group of persons.
- f. No licensee or employee or agent of a licensee shall deliver more than two drinks to one person at one time.
- g. No licensee or employee or agent of a licensee shall sell, offer to sell, or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions that are not open to the public.
- h. No licensee or employee or agent of a licensee shall sell, offer to sell, or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions that are not open to the public.
- i. No licensee or employee or agent of a licensee shall sell, offer to sell, or deliver to any person or group of persons on any one day alcoholic beverages at prices less than those charged the general public on that day, except at private functions that are not open to the public.

- j. No licensee or employee or agent of a licensee shall sell, offer to sell, or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time.
- k. No licensee or employee or agent of a licensee shall increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during that same calendar week.
- l. No licensee or employee or agent of a licensee shall encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.
- m. No licensee or employee or agent of a licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.
- n. No licensee shall permit an employee or other person to appear on the premises in any manner or attire that exposes to public view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof; nor shall any licensee permit any female to appear on said premises in such a manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof. No licensee shall permit the showing on the licensed premises of motion picture films, video tape recordings, still pictures, or other photographic or holographic reproduction depicting anyone dressed or attired in any manner prohibited in the preceding sentence.
- o. No licensee shall contract bills for his licensed place of business under any corporate or trade name other than that under which he is licensed.
- p. There shall be no disorder, indecency, prostitution, lewdness, or illegal gaming on the licensed premises or on any premises connected to the licensed premises by an interior communication.
- q. No employee and/or entertainer shall solicit, induce, or request a patron to purchase any alcoholic or non-alcoholic beverages for him or her or for any other person.
- r. During any time when patrons or employees are on the licensed premises, illumination in the premises must not be allowed to fall to a degree less than one (1) candle-foot (as measured 30 inches from the floor), except in those portions of the room that are underneath the furniture.
- s. It is the responsibility of the licensee to ensure that all emergency exits on the licensed premises remain unobstructed and available for emergency use. Licensees may not permit customers to use such emergency exits routinely without specific permission from the Licensing Board.

- t. "Last call" shall be given at least 30 minutes before the closing hour, and all patrons and customers are prohibited from remaining on the licensed premises later than 30 minutes after the closing hour.
- 1) However, the licensee or his employees may be on the licensed premises at any time necessary for the purposes of cleaning, making emergency repairs to, or providing security for the licensed premises, or to prepare food for the day's business, or to open and close the business in an orderly manner.

D. Private Clubs and Veterans' Clubs (c.138 §12)

In addition to the General Requirements for all licensees (Section III, Watertown Licensing Board Rules and Regulations) and the General Rules for Alcohol Licenses specified in Section IV.A of the Watertown Licensing Board Rules and Regulations, private clubs and veterans' clubs that sell or serve alcoholic beverages must follow the regulations detailed in the following pages.

1. Hours and Days of Operation

- a. Unless otherwise restricted by the Licensing Board, licensees may be open for business Monday through Saturday from 11 a.m. to 12 midnight.
- b. Licensees may operate from 12 noon to 12 midnight on Sundays provided they have applied for and been issued a seven (7) day license by the Licensing Board.
 - 1) A seven-day license is required for any Sunday openings, even if the licensee does not intend to operate seven days per week. (A club that opens Wednesday through Sunday, for example, requires a seven-day license because it is open on Sunday, even though it is operating only five days of the week.)
- c. On any night that the licensee is allowed to be open, the licensee may apply to the Licensing Board for permission to remain open until one (1) hour past midnight. Application for this permission must include the date(s) requested for the late closing as well as the purpose for which the club will be used on the(se) date(s).

2. Capacity of the Licensed Premises

- a. The Licensing Board shall set the actual allowable capacity for each club licensed under this section, subject to the following conditions:
 - 1) Once set, the capacity figure shall be a condition of the license. Violations shall be considered violations of the license.

- 2) The Licensing Board retains the right to increase or decrease the maximum allowable capacity as it deems appropriate. If the Board intends to modify or to restrict the licensed capacity, it shall provide notice to the licensee and shall provide the licensee with an opportunity for a hearing prior to the modification or restriction.
- b. To increase the capacity of the licensed premises, the licensee must first request and obtain approval of the increase from the Licensing Board.
 - 1) The licensee shall **not** undertake renovations that would increase the capacity without first obtaining the approval of the Licensing Board.
 - 2) Approval to increase capacity or to undertake renovations shall be subject to approval of the proposed plan by the Building Department. Approval of a renovation plan by the Building Department does not ensure approval by the Licensing Board.

3. Responsibilities of the Manager

- a. In addition to the general responsibilities of the Club manager, as detailed in Section IV.A.1 of the Watertown Licensing Board Rules and Regulations, the manager of a private club or a veteran's club must also maintain current lists of members and guests, and must direct any duly authorized agent of the Licensing Board to such lists upon request.
- b. Any licensed clubs that provide access to members by means of a membership card, passkey, or other electronic means of entry shall provide the Licensing Board with the same such device(s) for the purpose of enabling agents of the Board to inspect the premises. The manager shall be responsible for providing such device(s). Failure to do so shall be interpreted as a willful obstruction to investigations.
- c. Each club manager shall maintain a list of all members who are authorized to dispense or sell alcohol.

4. Posted Information for Private and Veterans' Clubs

- a. In addition to the licenses, permits and employee lists as specified in Section IV.A.2 of the Watertown Licensing Board Rules and Regulations, private and veterans' clubs shall post in a conspicuous place a legible sign stating the hour at which Last Call for alcoholic beverages service shall be announced or in effect. This hour shall be no later than 12:30 a.m. and shall, in any case, be given 30 minutes before the time of the closing of the establishment.
- b. Each club licensed under this Section shall keep available on the premises a current list of club members. If there are classifications of membership, then each member's

name shall be followed by the membership status of that member.

- c. Each club shall maintain a list of all members who are authorized to dispense or sell alcohol.
- d. Each club shall post conspicuously a notice that it is allowed to serve only to members and guests of members.
- e. Each club shall post conspicuously a notice that it does not discriminate against guests on account of race, color, religious creed, national origin, ancestry, or sex.
- f. Licensees that allow card playing in the club must post conspicuously a notice that reads substantially as follows:

Card playing is allowed in the club only on the condition that it does not involve any wagering or monetary agreement of any kind. The use or exchange of monies, notes, or tokens of any kind is strictly prohibited.

5. Notices Required to the Licensing Board

All licensed clubs are required to file the following with the Licensing Board:

- a. The official membership requirements of the club and any updates, as necessary.
- b. A list of the officers of the club, including their names, residence addresses, and offices held, along with the name of each employee engaged in the selling or handling of alcoholic beverages and the amount of compensation or salary for each such employee. This list also must be submitted to the Alcoholic Beverage Control Commission (ABCC) each year no later than March 31.

- 1) Submit the original copy of this list to the following address:

Alcoholic Beverage Control Commission
239 Causeway Street, Suite 200
Boston MA 01224
ATTN: Executive Secretary

- 2) Submit a duplicate copy of the list to this address:

Watertown Licensing Board
Administration Building
149 Main Street
Watertown MA 02172
ATTN: Town Clerk's Office

Failure to submit the annual forms may result in a Show Cause hearing.

6. Prohibited Practices

- a. Except as provided for in the charter of the club, the membership requirements as filed with the Licensing Board pursuant to Section IV.D.5.a of the Watertown Licensing Board Rules and Regulations, and allowed by the State and Federal constitutions, the licensee shall make no discrimination, distinction, or restriction on account of race, color, religious creed, national origin, ancestry or sex relative to the admission or treatment of any person.
- b. No delivery or sale of alcoholic beverages shall be made for consumption off the licensed premises or outside of the structure.
- c. No persons shall be served alcoholic beverages on the licensed premises unless they are a member of the club or a guest of a member, and no guest may be so served unless he is properly registered and accompanied by a member.
- d. There shall be no disorder, indecency, prostitution, lewdness, or illegal gaming on the licensed premises or on any premises connected to the licensed premises by an interior communication.
- e. It is the responsibility of the licensee to ensure that all emergency exits on the licensed premises remain unobstructed and available for emergency use. Licensees may not permit members or guests to use such emergency exits routinely without specific permission from the Licensing Board.
- f. "Last call" shall be given at least 30 minutes before the closing hour, and all members and guests are prohibited from remaining on the licensed premises later than 30 minutes after the closing hour.
- g. However, it is permissible for a member or an employee, but not a guest, to be on the licensed premises at any time necessary for the purposes of cleaning, making emergency repairs to, or providing security for the licensed premises, or to prepare food for a club activity, or to open and close the club in an orderly manner.
- h. No automatic amusement devices, including music or juke boxes, are permitted on the licensed premises unless they have first been licensed pursuant to the Rules and Regulations of the Watertown Licensing Board and the relevant statutes (Chapters 136 and 140 of the Massachusetts General Laws).
- i. No club licensed under Chapter 138 Section 12 of the Massachusetts General Laws and under the Rules and Regulations of the Watertown Licensing Board shall continue to operate after it has become ineligible for club status.

E. Special Licenses for Sales by Farmer-Wineries at Agricultural Events (c.138 §15F)

1. Statutory Authorization

A holder of a farmer-winery license issued by the Alcoholic Beverages Control Commission under section 19B of Chapter 138 or a person/entity authorized to operate a farmer-winery in any other state may apply to the Licensing Board for a special license for the sale of wine produced by or for the licensee at an indoor or outdoor agricultural event, which is an event certified as such by the Massachusetts Department of Agricultural Resources. The wine to be sold must be in a sealed container for off-premises consumption only.

2. Product Samples

- a. The holder of a special license issued by the Licensing Board may provide, without charge, samples of wine of no more than one ounce, to prospective customers 21 years of age or older at the agricultural event.
- b. Any sample must be consumed in the presence of an agent, representative, or solicitor of the licensee, who must be at least 21 years of age.
- c. No more than five (5) samples may be served to one individual.

3. Use of Premises Already Licensed

A special license may be granted for a portion of a restaurant or other premises licensed under section 12 of Chapter 138, subject to the following requirements and conditions:

- a. The special licensee must document the legal basis for use of the section 12 licensed premises.
- b. The area for which the special license is approved must be physically delineated from the area remaining under the control of the section 12 license holder.
- c. The holder of the special license shall be solely liable for all activities that arise out of the exercise of the special license.
- d. The special license holder shall not pay any consideration, directly or indirectly, to the section 12 license holder for the access to or use of the section 12 licensee's premises.

4. Application Process

- a. The applicant must first submit a plan of the event to the Massachusetts Department of Agricultural Resources and obtain certification that the event is an indoor or outdoor agricultural event.
- b. The special license application submitted to the Licensing Board must include proof of the required state certification, and a site plan, drawing or diagram depicting the geographical location of the event, the boundaries of the area in which the event will take place, and the particular place from which the sale of wine will be conducted.
- c. A special license application must be submitted at least 45 days prior to the date of the event.

5. Special License Provisions

The special license for sales by farmer-wineries will designate the specific premises to which it applies, and the permitted dates and times for exercise of the license.

- a. A special license may be granted for an agricultural event which takes place on multiple dates and/or multiple times during a single calendar year, but no special license may be granted for an agricultural event that will not take place within one calendar year.
- b. A special license is nontransferable.
- c. The special license shall be displayed or readily available for review during the event, at the location specified on the license.
- d. Hours of operation: A special license may be exercised only during the hours specified by the Licensing Board.
- e. Other conditions: The Licensing Board may impose such conditions as it deems appropriate, including alcohol liability insurance and a requirement that persons serving samples possess alcohol awareness training (e.g., TIPS) certification.

6. Fees

The fee for this special license is \$50.

F. Special Licenses for the Sale of Alcohol (c.138 §14)

The Licensing Board may grant a special (“one day”) license for the sale of alcoholic beverages, under the following conditions:

1. The request for a special license must be submitted at least 45 days prior to the scheduled activity or enterprise in accordance with the procedures specified in Section X for special licenses and permits.
2. A special license for the sale of all alcoholic beverages may be granted to the responsible manager of any non-profit organization conducting any indoor or outdoor activity or enterprise.
3. A special license for the sale of wine and malt beverages only, or either of them, may be granted to the responsible manager of any indoor or outdoor activity or enterprise.
4. The manager to whom a special license is granted must be at least 21 years of age.
5. A Special License may include reasonable conditions, including, but not limited to, the hours of operation and the presence of a police detail. In addition, the licensee must comply with the requirements specified in Section III: General Requirements of the Watertown Licensing Board Rules and Regulations (see page 4).
6. Each special license shall cover a single activity or enterprise.
7. A special license shall not be granted if it is to be exercised on the premises of an establishment already licensed by this Board under provisions of Massachusetts General Laws Chapter 138, nor shall such a license be granted to any person whose application for a license under Section 12 of Chapter 138 is pending before the Licensing Board or the Alcoholic Beverages Control Commission.
8. A special license may not be granted for an activity that will take place on a Sunday unless the applicant also has obtained a Sunday Entertainment License (see Section V.A. of the Watertown Licensing Board Rules & Regulations) from this Board.

G. General On-Premises Licenses for Performing Arts Centers

In addition to the General Requirements for all licensees (Section III, Watertown Licensing Board Rules and Regulations) and the General Rules for Alcohol Licenses specified in Section IV.A of the Watertown Licensing Board Rules and Regulations, centers for the performing arts qualified under Section F.1 (below) and selling or serving alcoholic beverages must follow the regulations detailed in this section.

1. Qualification for General On-Premises License

- a. The applicant must be a performing arts center, organized, operating and qualified under the provisions of Section 501(c)(3) of the Internal Revenue Code, for the presentation of theatrical, musical, dance and motion picture productions (but not as a commercial movie theater); for the exhibition of art; for art education programs, artists' studios, and other activities of the type found at non-profit arts and cultural facilities; and for community and ancillary private functions such as lectures, corporate meetings, and private social events.
- b. The performing arts center must be located in premises under the control of the Town of Watertown or an entity organized by the Town of Watertown, as owner or lessee.

2. Hours and Days of Operation

- a. Unless restricted or expanded by the Licensing Board, licensees may be open for business Monday through Saturday from 8 a.m. to 1 a.m. However, the sale and/or service of alcohol may not begin prior to 12 p.m. (noon) and shall be limited to the days of scheduled performances and/or scheduled public or private functions in accordance with the following restrictions:
 - 1) On the day of performance and/or the date of a public or private function, the hours of operation shall be no more than two (2) hours prior to the start of the performance or function and no more than one (1) hours after the performance or function concludes.
 - 2) Sale or delivery of alcoholic beverages may not take place later than 1 a.m.
- b. Unless restricted or expanded by the Licensing Board, licensees may operate on Sunday from 12 p.m. (noon) to 12 a.m. (midnight), subject to the restrictions specified in Section F.2.a. (1) and (2) above.

3. Capacity of Licensed Premises

- a. The Licensing Board shall set the actual allowable capacity for each center for the performing arts licensed under this section. Once set, the capacity figure shall be a condition of the license.

- b. The Licensing Board retains the right to increase or to decrease the maximum allowable capacity of a licensed premise, as it deems fit.
 - 1) The Board shall provide notice to the licensee of its intention to modify or to restrict the allowable capacity, and shall provide the licensee with an opportunity for a hearing prior to the modification or restriction.
 - 2) A licensee who wishes to increase the capacity of the licensed premises must first obtain approval of that increase from the Licensing Board.
- c. Licensees cannot renovate the licensed premises to increase capacity without first obtaining the approval of the Licensing Board.
 - 1) Approval to modify the licensed premises shall be subject to approval of the renovations by the Watertown Building Department. However, approval of a renovation plan by the Building Department does not ensure approval by the Licensing Board.

4. Posted Information for Centers for the Performing Arts

- a. In addition to the licenses, permits and employee lists as specified in Section IV.A.2 of the Watertown Licensing Board Rules and Regulations, centers for the performing arts shall post in a conspicuous place a legible sign stating the hour at which Last Call for alcoholic beverages service shall be announced or in effect.
 - 1) This hour shall be no later than 12:30 a.m. (11:30 p.m. for Sunday operations) and shall, in any case, be given 30 minutes before the time of the closing of the establishment.

5. Notices Required to the Licensing Board

- a. No licensee shall surrender the license without first notifying the Licensing Board in writing of the reason for surrender and obtaining approval.
- b. No licensee shall pledge the stock in the licensed business without the prior approval of the Licensing Board and the Alcoholic Beverages Control Commission.
- c. No license shall be sold or transferred without the prior approval of the Licensing Board and the Alcoholic Beverages Control Commission.
- d. The licensee shall notify the Licensing Board immediately, in writing, whenever an assignee of the stock of a corporation licensed under Massachusetts General Laws Chapter 138 or Massachusetts General Laws Chapter 140 forecloses under such an assignment of stock.

- e. The licensee shall notify the Licensing Board immediately, in writing, of any court proceedings—including but not limited to, voluntary or involuntary bankruptcy—commenced against the licensee or on the licensee's behalf, that may affect the status of the license.
- f. The licensee shall ensure that any independent contractor providing beverages or food or entertainment at the licensed premises shall adhere to the rules and regulations for sale and/or service of alcohol and that said contractor shall remain under the direct supervision of the performing arts center management.
- g. No licensee shall enter into an agreement with an independent contractor to provide management at the licensed premises without the prior approval of the Licensing Board.

6. Prohibited Practices

- a. No licensee may permit any rule, policy, or action, express or implied, that makes any distinction, discrimination or restriction on account of race, color, religious creed, national origin, ancestry, or sex relative to the admission or treatment of any persons from the general public or employees of the licensed premises.
- b. Patrons, employees, performers, visitors, students, and tenants are not permitted to bring alcoholic beverages onto the licensed premises for consumption by themselves or by their guests. The licensee shall be held liable for a violation of this rule if it or its employees fail to notify patrons, employees, visitors, students, and tenants to cease any such illegal activity after they become aware of the activity or should have become aware of it in the exercise of reasonable prudence.
- c. No alcoholic beverages may be sold for consumption off the licensed premises.
- d. No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge, in whole or in part, shall not be credited toward the purchase price of any alcoholic beverage.
- e. No licensee or employee or agent of a licensee shall offer or deliver any free drinks to any person or group of persons unless the offer or delivery is conducted during a scheduled private function.
- f. No licensee or employee or agent of a licensee shall deliver more than two drinks to one person at one time.
- g. No licensee or employee or agent of a licensee shall sell, offer to sell, or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions that are not open to the public.

- h. No licensee or employee or agent of a licensee shall sell, offer to sell, or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions that are not open to the public.
- i. No licensee or employee or agent of a licensee shall sell, offer to sell, or deliver to any person or group of persons on any one day alcoholic beverages at prices less than those charged the general public on that day, except at private functions that are not open to the public.
- j. No licensee or employee or agent of a licensee shall sell, offer to sell, or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time.
- k. No licensee or employee or agent of a licensee shall increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during that same calendar week.
- l. No licensee or employee or agent of a licensee shall encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.
- m. No licensee or employee or agent of a licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.
- n. No licensee shall permit an employee or other person to appear in areas of the licensed premises when and where alcohol is served in any manner or attire that exposes to public view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof; nor shall any licensee permit any female to appear in areas of the licensed premises when and where alcohol is served in such a manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof. No licensee shall permit in areas of the licensed premises when and where alcohol is served the showing of motion picture films, video tape recordings, still pictures, or other photographic or holographic reproduction depicting anyone dressed or attired in any manner prohibited in the preceding sentence.
- o. No licensee shall contract bills for his licensed place of business under any corporate or trade name other than that under which he is licensed.
- p. There shall be no disorder, indecency, prostitution, lewdness, or illegal gaming on the licensed premises or on any premises connected to the licensed premises by an interior communication.
- q. No employee and/or entertainer shall solicit, induce, or request a patron to purchase any alcoholic or non-alcoholic beverages for him or her or for any other person.
- r. During any time when patrons or employees are on the licensed premises, illumination in the premises must not be allowed to fall to a degree less than one (1) candle-foot (as measured 30 inches from the floor), except in those portions of the

room that are underneath the furniture or in those areas of the licensed premises where the same is required for presentation of the performing arts and only during the time of presentation.

- s. It is the responsibility of the licensee to ensure that all emergency exits on the licensed premises remain unobstructed and available for emergency use. Licensees may not permit customers to use such emergency exits routinely without specific permission from the Licensing Board.
- t. "Last call" shall be given at least 30 minutes before the closing hour, and all patrons and customers are prohibited from remaining on the licensed premises later than 30 minutes after the closing hour.
 - 1) However, the licensee or his employees may be on the licensed premises at any time necessary to conduct the day-to-day business of the center for the performing arts and its purpose.

Section V: Entertainment Licenses (c.140 §§ 177A, 183A)

No entertainment—including, but not limited to, automatic amusement devices, juke boxes, live or recorded music, or other live, filmed, or taped performances—shall be offered, conducted, or otherwise provided by any establishment licensed under Massachusetts General Laws Chapter 138 or Chapter 140 (Sections 177A, 183A) without first obtaining an Entertainment License from the Watertown Licensing Board.

A. Types of Licenses

- Six-day entertainment licenses granted by the Licensing Board are valid for Monday through Saturday, unless otherwise restricted.
- A Sunday entertainment license is required for any entertainment taking place during any part of Sunday. (Also requires a Sunday license from the Commonwealth of Massachusetts.)

B. License Conditions

1. The Licensing Board may impose reasonable limitations and conditions on any entertainment license issued by the Board. Such limitations may include, but are not limited to, the type of entertainment, the number of performers, and the number and kinds of instruments.
2. Entertainment shall be conducted in a manner designed to ensure, to the maximum extent possible, that the noise from the entertainment cannot be heard outside the boundaries of the licensed premises.
3. The space provided for entertainment and/or dancing shall be confined to certain areas within the licensed premises. Such areas must be approved by the Licensing Board prior to their use.

C. Hours of Operation

1. For premises licensed under Massachusetts General Laws Chapter 138, the hours of the Entertainment License shall not extend beyond the hours approved by the Licensing Board for the sale of alcoholic beverages.
2. For premises that are not licensed under Massachusetts General Laws Chapter 138, the hours permitted under the Entertainment License shall be set by the Licensing Board on a case-by-case basis.

Section VI: Common Victualler Licenses (c.140 § 2)

In addition to the General Requirements outlined in Section III of the Watertown Licensing Board Rules and Regulations, the following regulations apply to all establishments preparing and/or providing food on the premises for patrons.

A. General Requirements

1. Persons who engage in the business of preparing and/or providing food for patrons, on the premises, from a permanent structure, must obtain a Common Victualler License from the Watertown Licensing Board.
2. The Licensing Board may impose reasonable limitations and conditions on the licensee and operation, including but not limited to the days and hours of operation.
3. No physical renovations shall be made to the licensed premises until a plan is first submitted to and approved by the Licensing Board and all other relevant Town Departments. Further, if the proposed renovations shall have the effect of increasing seating capacity, approval by the Licensing Board shall be subject to approval of the plan by the Building Department.
4. The licensee shall obtain the approval of the Licensing Board prior to any proposed change in manager.
5. Patrons are not permitted to bring alcoholic beverages on the premises for their own consumption unless the license holder has obtained a BYOB permit as provided for herein.
6. Licensees are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty foods. The Licensing Board will, at its discretion, determine what is reasonable for this purpose and whether the use of alcoholic beverages is customary in the preparation of such foods.

Common victuallers that also hold an “all alcohol” or a “wine and beer” license must abide by the regulations cited in Section IV of the Watertown Licensing Board Rules and Regulations.

B. "Bring Your Own Bottle" Permits

1. Authority and Purpose

- a. These regulations are adopted pursuant to the authority granted in Chapter 116 of the Watertown Code of Ordinances, Bring Your Own Bottle Regulations (the "Ordinance") for the administration of the Ordinance, which authorizes the granting of Bring Your Own Bottle Permits for beer and wine to certain Establishments holding a Common Victualler License.
- b. Capitalized terms used in these regulations shall have the same meaning as provided for such terms in the Ordinance.
- c. Among the purposes of these regulations are promoting responsible alcohol consumption at Establishments which are issued a Bring Your Own Bottle Permit ("Permit") and ensuring that such Establishments will be subject to the same level of responsibility as Establishments holding a license to sell alcohol under Chapter 138 of the General Laws with respect to the consumption of alcohol by their patrons. Permit holders shall comply with Section IV of these Rules and Regulations, as applicable.

2. Procedure

- a. An Establishment that wishes to apply for a Permit must submit a written application to the Licensing Board on such form as the Board prescribes. The application must include the name and qualifications of the person who will be the on-site manager of the establishment. The appointed manager must be at least 21 years of age.
- b. Upon receipt of a complete application, the Licensing Board will schedule a public hearing for consideration of the application. A copy of the application will be forwarded to the Town of Watertown Police, Fire, Health and Building Departments for review and comment. Notice of the public hearing will be provided to abutters in accordance with Section II of these Rules and Regulations.
- c. In accordance with the Ordinance, the issuance of a Permit is subject to and at the sole discretion of the Licensing Board. If a Permit is issued, a copy must be posted in a conspicuous place in the Establishment.
- d. An applicant must not have ever been convicted of a violation of a federal or state narcotic drugs law.
- e. The Licensing Board may impose conditions on any Permit issued, including conditions on the hours in which beer and wine may be consumed by patrons of the Establishment. The Licensing Board may take into consideration recommendations from the Police, Fire, Health and Building Departments.

- f. Permits shall expire on December thirty-first of the year of issue, and may, upon written renewal application of the Permit holder, be renewed for the following calendar year by vote of the Licensing Board. A renewal application must be received by the Licensing Board by November 30th of each year.

3. Permit Requirements

- a. Patrons of the Establishment may carry in no more than one 750-milliliter container of wine for every one or two patrons over the age of 21, or two containers of beer containing up to 24 ounces of beer in total, per patron over the age of 21.
- b. No alcohol shall be consumed out of original containers. Any employee of the Establishment handling or pouring alcohol for a patron must be at least 21 years of age. The employees of the Establishment who will have responsibility for the use and exercise of the BYOB permit must obtain alcohol service training from a third-party training provider and submit certification of such training to the Licensing Board.
- c. “Last call” shall be given at least 30 minutes before the closing hour, and all patrons and customers are prohibited from remaining on the licensed premises later than 30 minutes after the closing hour.
- d. A patron may take with him/her from the Establishment no more than one container of wine which has not been totally consumed on the premises, provided that the bottle has been properly sealed and bagged in accordance with the method designated in the regulations of the Alcoholic Beverages Control Commission at 204 CMR 2.18 or successor regulation. No partially consumed container of beer may be taken from the premises by patrons. Remaining unused wine and beer not removed by a patron must be disposed of by the Establishment in an acceptable manner that meets all applicable laws and regulations. No unused wine or beer may be consumed by any other party, including Establishment staff.
- e. No staff under the age of 18 shall be allowed to clear from the tables or premises containers from which wine or beer was poured or consumed.
- f. The Establishment shall immediately report to the Watertown Police Department any situation in which patrons consuming alcohol appear to present a danger to themselves or others, either on the premises or elsewhere, by virtue of such consumption.

4. Enforcement

- a. Establishments holding a Permit may be monitored for compliance with these regulations, with and without notice, by agents of the Town of Watertown.

- b. The Licensing Board may suspend, revoke, or refuse to renew a Permit and/or the Common Victualler License held by the Establishment in the event the Establishment violates these regulations or any conditions of the Permit.
- c. In case of suspension, revocation, or refusal to renew a Permit, there will be no abatement or refund of any part of the fee paid therefor.

Section VII: Motor Vehicle Repair Licenses

In addition to the General Requirements outlined in Section III of the Watertown Licensing Board Rules and Regulations, and in accordance with Watertown Ordinances Chapter 8 Section 30, the following regulations apply to all establishments involved in the repair of motor vehicles, including—but not limited to—the installation of so-called “after market” equipment.

1. No person shall engage in the business of conducting or maintaining an establishment for the repair of motor vehicles without first obtaining a license for that activity from the Licensing Board.
2. The Licensing Board may impose reasonable limitations and conditions on any motor vehicle repair license issued. Such limitations and conditions may include, but are not limited to, the following:
 - a. A description of the entire premises to be occupied by the license
 - b. The maximum number of motor vehicles that may be on the licensed premises at any one time (including the vehicles belonging to or used by the owner and/or employees of the business)
 - c. The days and hours of operation for the business
3. No auto body work may be conducted on the licensed premises, and no tools specifically used in auto body work may be kept on the licensed premises, unless auto body work is expressly permitted by the Licensing Board. Such permission must be obtained prior to the conduct of any auto body work on the premises. Such permission must be expressly stated in the license.
4. As specified in Section II of the Watertown Licensing Board Rules and Regulations, the Licensing Board may suspend, modify, or revoke any motor vehicle repair license if the conditions imposed for that license are violated, if the licensee is violating any ordinances or regulations of the Town of Watertown, or if the licensee is violating state or federal laws. The Licensing Board may apply the same remedies if it appears that the licensee is conducting business in such a manner as to create a hazard to the public or a fraud or deception upon the public.

Section VIII: Hackney Carriage, Livery and Limousine, and Shuttle Services

In addition to the General Requirements outlined in Section III of these Rules and Regulations, the following regulations apply to those who provide hackney carriage, livery, limousine, and shuttle services.

A. General Information

As provided in the Ordinances of the Town of Watertown, the licenses issued by the Licensing Board for vehicles and persons who provide hackney carriage or taxi, livery, limousine, and shuttle/jitney services, and for taxi stands, shall expire as follows: March 31 in each year for livery/limousine service, and April 30 in each year for hackney carriage or taxi and shuttle/jitney service.

No license shall be transferred without the consent of the Licensing Board.

1. Definitions

- a. A hackney carriage or taxi (hereinafter called a taxi or taxi cab) is a passenger vehicle that is used to convey passengers or goods for hire, and is equipped with a taximeter, and does not operate over a fixed route or between fixed and regular termini, and is hired via solicitation from a person at a taxi stand or on a public or private way or by telephone request within the Town of Watertown.
- b. A livery/limousine is any limousine or other vehicle that is designed to carry 15 or fewer passengers, including the driver, and that carries passengers for hire, or for business courtesy, for employee shuttle, for customer shuttle, for charter or other pre-arranged transportation, and which vehicle is not required to obtain a taxicab license pursuant to M.G.L. Chapter 40, Section 22. (540 CMR 2.05)
- c. A shuttle/jitney license is required for any person operating any motor vehicle upon any public way in Watertown for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that of a railway company, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini.

2. Notification to the Licensing Board

- a. Persons obtaining a license to operate a taxi, livery vehicle or limousine, or shuttle/jitney must obtain approval from the Licensing Board prior to changing their place of business or dispatch office or garage site. All such changes also must conform

to all Zoning regulations, Traffic Commission rules, and other applicable rules and regulations for their siting.

B. General Requirements

1. Condition of Vehicles

- a. An owner shall not operate nor allow to be operated any taxi, livery vehicle or limousine, or shuttle/jitney unless the vehicle is structurally and mechanically sound, operates with a minimum of noise and vibration, and has no cracks or breaks in the vehicle body, windows, doors, trim, and grills.
- b. All doors of the vehicle must open easily from the inside.
- c. The interior seats of the vehicle must function properly and be in good condition.
- d. The vehicle must include properly functioning seat belts for all passengers and the driver.
- e. The owner must clean, repair, and maintain the vehicle in good condition, as determined by annual or random inspections by the Watertown Police Department.
- f. If a vehicle must be removed from service for repairs, and the vehicle remains out of service for a period longer than 30 consecutive days, the owner must notify the Licensing Board and provide a date by which the vehicle will return to service. Keeping a vehicle out of service for repairs longer than 30 days past this specified date of return to service shall be grounds for a Show Cause hearing by the Licensing Board and may result in the suspension or revocation of the taxi, livery, limousine, or shuttle/jitney license for said vehicle.
- g. To ensure public safety, the Watertown Police Department may suspend the operating license for any taxi, livery vehicle or limousine, or shuttle/jitney vehicle and declare that vehicle “out of service” until its defects, as specified in writing, are remedied. The owner of the vehicle may appeal an “out of service” status to the Licensing Board. The license will remain suspended during the pendency of the appeal, unless the Police Department certifies that the defects have been remedied.
- h. Repeated failure to maintain operability or reasonable cleanliness of vehicles shall be grounds for a Show Cause hearing (see page 50).
- i. All vehicles must be properly registered with the Commonwealth of Massachusetts and have a valid state inspection sticker.

2. Vehicle Inspections

- a. The Watertown Police Department shall verify the good operating condition and cleanliness of each taxi, livery vehicle or limousine, or shuttle/jitney prior to issuance of the license for such operation.
- b. The Watertown Police Department may conduct random inspections of taxis, livery vehicles, limousines, and shuttle/jitney vehicles, at reasonable intervals, for the purpose of verifying continued compliance with these rules and regulations. Application for and acceptance of a license for operation of such vehicles shall constitute consent to such inspection by the licensee and his operators.

3. Insurance

- a. Before issuance of a taxi, livery vehicle or limousine, or shuttle/jitney license, the applicant shall present evidence of liability insurance coverage for a period of one year to cover the subject vehicle(s).
- b. Upon request for renewal of a taxi, livery vehicle or limousine, or shuttle/jitney license, the licensee shall present evidence of liability insurance coverage for a period of one year to cover the subject vehicle(s).

4. Operator's License

- a. No person shall operate or have charge of a taxi, livery vehicle or limousine, or shuttle/jitney unless that person obtains the appropriate approval from the Watertown Police Department, as agent of the Licensing Board. This approval is in the form of an Operator's License issued by the Watertown Police Department. For those operating livery vehicles or limousines, or shuttle/jitney vehicles, approval is in the form of a written authorization from the Police Department.
- b. The owner of a taxi, livery vehicle or limousine, or shuttle/jitney shall not permit any person to operate or have charge of said vehicle unless that person has obtained the appropriate approval from the Watertown Police Department.
- c. To obtain approval from the Watertown Police Department for operating a taxi, livery vehicle or limousine, or shuttle/jitney, a person must:
 - 1) Be of suitable character and legally residing in the United States.
 - 2) Be at least 18 years of age.
 - 3) Have a valid current license from the Massachusetts Registry of Motor Vehicles, with said license obtained at least one year previously.

- 4) Have a demonstrated ability to comprehend English.
 - 5) Have no apparent or known addictions to the use of intoxicating liquor or narcotic drugs.
 - 6) Have no conviction record or adjudication for the commission of a:
 - a) Felony
 - b) Misdemeanor punishable by imprisonment for more than two years
 - c) Violent crime as defined in Massachusetts General Laws Ch. 140 Section 121
 - d) Possession with intent to distribute or trafficking of a controlled substance as defined in Massachusetts General Laws Ch. 94C Section 1
 - e) Violation of any law regarding the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed
 - f) Violation of any law regarding alcohol for which a term of imprisonment may be imposed
 - g) Violation of any morality law for which a term of imprisonment may be imposed
 - h) Except that for items (c), (d), (e), (f), and (g) preceding, if the applicant has been so convicted, adjudicated, or released from confinement, probation, or parole supervision for such conviction or adjudication, whichever is last occurring, not less than five (5) years immediately preceding such application, applicant's ability to obtain approval to operate shall be restored.
 - 7) Within the previous year, have no more than three citations for violations of motor vehicle laws for which there has been a conviction or a finding of responsibility.
- d. To ensure public safety, the Watertown Police Department may immediately suspend the Operator's License of a taxi cab driver or the authorization for a driver of a livery vehicle, limousine, or shuttle/jitney. Following suspension, the Licensing Board will hold a Show Cause hearing where it will determine the length of the suspension, or lift the suspension, or revoke the operator's right to drive such vehicles in Watertown.
 - e. If a driver's Massachusetts Driver's License is suspended or revoked, a taxi cab driver must surrender to the Licensing Board his or her Operator's License, and drivers of livery vehicles or limousines or shuttle/jitney vehicles must surrender their written authorization for operation of such vehicles. The Board may, at its discretion,

reinstate an authorization or an Operator's License only after the suspension or revocation of the state driver's license is lifted.

- f. When a driver changes residence or place of employment, he or she must inform the Police Department in writing within seven (7) days and provide the new address and/or place of employment.
- g. When a driver ceases employment as an operator of a taxi, livery vehicle or limousine, or shuttle/jitney, he or she must surrender the Operator's License or the written authorization to the Police Department and the licensee for that taxi, livery vehicle or limousine, or shuttle/jitney shall notify the Police Department in writing within seven (7) days.
- h. All operator licenses for taxis and shuttles or jitneys shall expire on April 30 each year. All operator licenses for liveries and limousines shall expire on March 31 each year.

5. Appearance and Conduct of Drivers

- a. No driver shall operate, and no owner shall allow a driver to operate, a taxi, livery, limousine, or shuttle/jitney unless that driver has a current and valid Massachusetts driver's license and has been in possession of that license for at least one year.
In addition:
 - 1) Drivers must be at least 18 years of age.
 - 2) Have a demonstrated ability to comprehend English.
- b. Drivers of a taxi, livery or limousine, or shuttle/jitney vehicle shall be neat and clean in appearance.
- c. Drivers shall not smoke a cigar, cigarette, pipe, or other tobacco product while transporting passengers, except with the prior consent of the passenger(s).
- d. Drivers while on duty shall not consume intoxicating beverages or controlled substances. Owners of a taxi, livery or limousine, or shuttle/jitney shall not permit a driver to work who is deemed intoxicated or unstable.
- e. Immediately after delivery of a passenger, the driver shall search the vehicle for property left behind by the passenger and, upon finding any property, shall deliver that property to a "lost and found" area maintained by the owner of the taxi, livery or limousine, or shuttle/jitney vehicle. The owner shall make every effort to return lost property to the rightful owner.

- f. Any driver whose Massachusetts driver's right to operate is suspended or revoked must immediately notify the Police Department and the Licensing Board, and must cease operating a taxi, livery/limousine, or shuttle/jitney in Watertown.

6. Transportation of Passengers

- a. No person in charge of a taxi, livery vehicle or limousine, or shuttle/jitney shall unreasonably refuse to carry a passenger for hire.
- b. Reasonable grounds for refusing transportation to a passenger include the following:
 - 1) The driver already is dispatched on another call or the vehicle is in transit for repair.
 - 2) All seats in the vehicle are occupied.
 - 3) The prospective passenger is noisy or disorderly or intoxicated, unless the driver is transporting said person directly to a place the driver has reason to believe is the person's place of residence, or when the driver is directed by the Police to transport the person.
 - 4) The driver has reason to believe the person is sick with a contagious disease or the person must be transported on a stretcher.
 - 5) Providing transportation would result in assisting in the commission of a crime.
- c. At his or her discretion, a driver may accept or refuse a call when a person is escorting an animal except when that animal accompanies a person who is blind or disabled, and the animal is properly harnessed, and the animal is a companion for the person. Such persons and their companion animals shall not be refused transport, nor shall they be charged extra for the animal. However, a driver who is allergic to animals may refuse such a call only if they have a medical report from a physician on file with their employer specifying the nature and severity of the allergy. If such a driver is unknowingly dispatched to pick up a passenger with a service animal, said driver must inform the waiting passenger of their documented allergy and then secure another cab for the passenger and also convey that information to the waiting passenger prior to the driver's departure.

C. Taxi Cab Licenses and Medallions

In addition to the General Requirements outlined in Section III of these Rules and Regulations and the General Requirements detailed in Section VIII.A. and Section VIII.B., owners and operators of taxi cabs must adhere to the following requirements. This section also covers the issuance and control of taxi medallions and the establishment of public taxi stands.

1. Definitions

- a. A hackney carriage or taxi is a passenger vehicle that is used to convey passengers or goods for hire, and is equipped with a taximeter, and does not operate over a fixed route or between fixed and regular termini, and is hired via solicitation from a person at a taxi stand or on a public or private way or by telephone request within the Town of Watertown.
- b. A medallion is a marker provided by the Licensing Board to identify vehicles licensed to operate as taxi cabs within the Town of Watertown, and which is affixed in plain sight on the exterior of the vehicle as directed by the Chief of Police.
- c. A taximeter is an instrument by which the charge for hire of a taxi is calculated automatically for distance travelled or for waiting time or for both, and which conspicuously displays said charge by figures.
- d. A public taxi stand is a portion of a public way designated by the Licensing Board where operators of taxi cabs may park their vehicles and solicit passengers for hire. Public taxi stands in Watertown are available for use only by taxi cabs bearing an approved medallion issued by the Watertown Chief of Police.

2. Application Procedure

Every party, whether an individual or a corporation or a partnership or a sole proprietorship, intending to do business as a taxicab for hire in the Town of Watertown shall apply to the Licensing Board for a license.

To apply for a license, the applicant must complete the following procedures. Application forms may be obtained from the Licensing Board clerk.

- a. Complete the application form in duplicate. Require each driver working for you to complete a separate application form.
- b. Include with this application form the following items:
 - 1) A list showing the number of vehicles to be used in the exercise of the license and the place of garaging for each vehicle
 - 2) A legal ad for publication
 - 3) A site plan for the business office in Watertown. Also consult the Zoning Enforcement Officer; you must comply with all zoning ordinances in Watertown to be eligible for a taxi cab license.

- 4) If the applicant is a corporation, two copies of the corporation's Certificate or Articles of Organization
 - 5) If the applicant is an individual doing business under a name other than his or her own, evidence that a current Business Certificate is on file with the Town Clerk
 - 6) The filing fee; make the check payable to the Town of Watertown
- c. Submit the completed application form and all additional information to the Licensing Board Clerk. Applications will be scheduled for a Licensing Board Hearing only when all forms have been completed satisfactorily prior to the deadline set for such submissions for that month's hearing.
 - d. No vehicle shall be permitted to operate as a taxi cab, despite approval by the Licensing Board, until the vehicle successfully passes inspection and secures a medallion from the Chief of Police. Upon receipt of approval by the Licensing Board, obtain an appointment at the Watertown Police Department and present the taxi cab(s) for inspection and final approval by the Chief of Police and the affixing of a numbered medallion.

3. Medallion Issuance

- a. Upon granting a license, the Licensing Board shall authorize the issuance of a numbered medallion for each vehicle to be used in connection with the license.
- b. The Licensing Board shall establish the maximum number of medallions available for use in the Town of Watertown and shall review that maximum at least once every 10 years. The maximum shall be based on the population of Watertown, as quantified by the U.S. Bureau of the Census.
 - 1) The maximum number of medallions shall be set at 1 per 1,000 persons.
 - 2) The population of Watertown shall be the population reported in the United States federal census conducted every 10 years. The Licensing Board shall review the maximum number of medallions within one year of the release of the federal census numbers.
 - 3) Should the maximum number of medallions allowed decline as a result of the 10-year review, the Board reserves the right to allow retention of any existing medallions in use. This provision shall not affect the Unused Medallions provisions of Subsection VIII.C.4.
 - 4) The Licensing Board reserves the right to issue one or more additional medallions, beyond the maximum number stipulated, for vehicles providing chair lifts or other specialized access for transporting disabled persons.

- c. A medallion is valid for 12 months from its date of issuance by the Licensing Board or until the April 30th following its first issuance. Medallions may be renewed annually upon payment of the renewal fee and approval by the Licensing Board. Requests for renewal shall be submitted to the Licensing Board Clerk.
- d. A medallion shall not be sold, assigned, or transferred without prior written authorization of the Licensing Board. Failure to comply with this regulation shall result in automatic revocation of the medallion. However, permissive use of a license holder's medallion by a licensed, independent owner/operator shall not constitute an assignment or transfer within the meaning of this regulation.
 - 1) The seller of a medallion shall submit a photocopy of the sales agreement to the Licensing Board for approval.
 - 2) If a medallion is transferred without the transfer of the taxi cab, the seller of the medallion shall present the original taxi cab, with its markings removed, for inspection by the Police Department. If said taxi cab is junked, the seller must present a valid receipt from the junk dealer in order to preclude the vehicle inspection.
 - 3) The seller or buyer of a medallion shall not restrict future sale, transfer, or assignment of the medallion.
 - 4) The seller of a medallion shall not require the buyer to finance the transaction through a certain banking or financial institution, individual, corporation, or financier.
 - 5) The owner of more than one medallion may sell each medallion separately and shall not be required to sell all of the medallions together at the same time, unless such sale is a condition imposed by the Licensing Board as a result of a Show Cause finding of violations that warrant the sale of medallion(s).

4. Unused Medallions

- a. A medallion which is inactive for more than sixty (60) days shall be surrendered immediately by the license holder of such medallion to custody of the Police Department. Said medallion shall be held in the custody of the Police Department for the benefit of the licensed holder until such time as this inactive medallion is returned to service (that is, affixed to a licensed taxi cab). Upon written request to the Police Department by the license holder for restoration to service of such medallion, the Police Department shall determine whether the holder's license to operate a taxi cab under such medallion remains valid, and whether the holder complies with all other conditions which these regulations require for operation of a licensed taxi cab. Upon determining that such operation remains valid, the Police Department shall release the

medallion to the licensed holder to be affixed to a designated taxi cab as specified under these Rules and Regulations.

- b. Notwithstanding the provisions of subsection 4.a. (“Unused Medallions”), a medallion shall not be inactive for more than two (2) consecutive years without the prior written approval of the Licensing Board. A medallion that is inactive for more than two (2) consecutive years without prior written approval of the Licensing Board shall be subject to revocation and forfeiture as provided under subsection 4.c. (below).
- c. A medallion that is “inactive,” as defined in subsection 4.d. (below) for more than two (2) consecutive years, without good cause shown, may—after public hearing upon not less than fourteen (14) days written notice to the license holder—be revoked by the Licensing Board. Upon revocation, the inactive medallion shall be forfeited and surrendered to the Licensing Board without compensation to the license holder or the refund of any license, medallion, or other municipal fees associated with such medallion.
- d. For purposes of this section, “inactive” shall mean: (1) a medallion not affixed to a licensed taxi cab in service; or (2) a medallion affixed or otherwise assigned to a taxi cab in service with mileage of less than 2,000 miles in any year commencing from the date of medallion issuance, renewal, or release from the custody of the Police Department for return to active service, as the case may be.
- e. The foregoing provision for revocation of inactive medallions shall not apply for a period of ten (10) years from February 15, 2004, with respect to any medallion issued prior to February 15, 2004, provided that such medallion was also being held in the custody of the Police Department for the benefit of a licensed holder on or before February 15, 2004. The exemption contained herein shall apply to the license holder and his executor, heirs, successors, and lawful assigns.
- f. The Licensing Board shall maintain a list of the total number of, and the individual numbers on, the medallions held by taxi cab licensees.
- g. A medallion holder who ceases operating or who ceases to authorize operation of the designated taxi cab shall immediately surrender that medallion to the Police Department, who shall notify the Licensing Board in writing.
- h. A medallion holder shall not transfer a medallion assigned to an inoperative taxi cab to another taxi without reporting that transfer to the Licensing Board. The replacement taxi cab must pass an inspection by the Police Department.
- i. The holder of a lost or misplaced medallion shall immediately give written notice to the Licensing Board. Upon such notice, the Licensing Board may grant written authorization to the medallion holder to continue operating the taxi cab until such

time as a replacement medallion is issued. The holder shall pay a fee for the replacement medallion.

5. Medallion Leases

- a. A medallion holder must petition the Licensing Board for authorization to lease said medallion. For purposes of this regulation, a lease is any formal or informal arrangement—either written or oral or by other means—through which a licensee allows another person to operate as a taxi cab under one of the license holder's medallions.
- b. The lessor shall maintain records that show the identity of the lessee and the drivers of the taxi cab, including the mailing and residential addresses and telephone numbers.
- c. The lessor shall provide the lessee with a copy of the current automobile insurance coverage of the medallioned vehicle.
- d. Prior to leasing a medallion, the holder of the medallion shall verify that the potential lessee is in possession of a valid Massachusetts driver's license and is also licensed as a Watertown taxi cab driver.
- e. After written notice from the Licensing Board, the lessor of a medallion shall appear before the Licensing Board accompanied by the lessee and each driver who will operate the taxi cab under said medallion.
- f. The medallion holder must notify the Licensing Board when the lease is no longer in effect.

6. Using a Medallion as Security on a Loan

- a. A medallion may not be pledged as security on a loan without the prior approval of the Licensing Board.
- b. A medallion holder seeking to pledge a medallion as security on a loan shall submit a copy of the loan agreement to the Licensing Board along with any other pertinent information relative to the transaction.
- c. In the event of default, if the medallion is disposed of by sale, that sale must be approved by the Licensing Board.

7. Taximeters

- a. Every taxi cab shall have installed a taximeter that is officially approved and sealed by the Sealer of Weights and Measures. The Police Department shall verify, during

initial and annual inspections, that the taximeter remains sealed and in good order after said approval.

- b. The taximeter shall be visible to passengers. After sundown, the face of the taximeter shall be made continuously and clearly visible to the passenger by suitable illumination.
- c. No owner or driver shall operate a hackney carriage or taxi with an unsealed meter or a broken seal. The owner or driver will report any such problems to the Police Department and to the Sealer of Weights and Measures for retesting and sealing. Failure to comply with this regulation shall make the owner or driver subject to the penalties as provided by Massachusetts General Laws Chapter 98 Section 45 and Section 55.
- d. No owner or operator shall tamper with or attempt to repair a taximeter or any seal, cable, connection, or part thereof, or to make any change in the vehicle that would affect the operation of the taximeter.

8. Taxi Stands

- a. The Licensing Board, in consultation with the Traffic Commission and the Zoning Enforcement Officer, may designate places on public ways as Taxi Stands and may make it a condition of a license that a taxi shall occupy the taxi stand designated for its use from time to time but shall occupy no other stand.
- b. A driver must remain with the taxi cab at all times while it is at a Taxi Stand.

9. Requirements for Operation

- a. In addition to the inspection of each taxi prior to its licensing (Section VIII.B.2.a), the Watertown Police Department shall verify the good operating condition and cleanliness of each taxi annually thereafter prior to the renewal of the license for said vehicle.
- b. No taxi cab shall be painted so as to resemble the taxi cab of another or so as to mislead the public as to its identity.
- c. The name of the licensee and the licensee's telephone number and the name Watertown shall appear on the taxi cab in letters not less than three (3) inches in height.
- d. Every taxi cab operator shall display on his or her outer garment an identification badge, which shall be issued when the operator obtains his or her Operator's License. This badge is the property of the Watertown Police Department and must be returned on termination of employment or suspension or revocation of license. It shall be the

responsibility of the taxi cab owner to notify the Police Department whenever an employee ceases to be employed as a driver for that business.

- 1) The badge shall display a current photograph of the operator, the name of the employer, and the number issued to the operator by the Police Department.
 - 2) Failure to display this badge shall result in a suspension of the Operator's License for a period not less than three (3) days.
 - 3) Lost badges must be replaced.
 - 4) The Licensing Board shall set the fees for issuance and replacement of Operator's driver licenses.
- e. No announcement of rates or fares shall appear on the exterior of any taxicab. However, the owner of a taxi may request permission from the Licensing Board to display advertising on the cab. The size and location on the vehicle shall be approved by the Licensing Board.

10. Transportation of Passengers

In addition to the provisions in Section VIII:B.6., drivers of taxi cabs must adhere to the following regulations:

- a. No person in charge of a taxi cab shall take up or carry any passenger after the carriage already has been occupied or engaged by a prior passenger, without the consent of the prior passenger.
- b. No driver shall sit in the rear seat of a taxi cab nor permit anyone other than a passenger to sit there. Notwithstanding this regulation, a licensed trainee driver is allowed to occupy the front passenger seat during the training period.
- c. No driver shall allow any person to sit in the front seat except when the taxi is fully occupied by passengers who have hired the taxi and there exists a legitimate need to use the front seat.
- d. No driver shall permit any passenger to ride upon any fender, dash, top floor, steps, or running board of any type on the taxi cab.
- e. Loud or importunate solicitation of passengers for hire in a taxi cab is prohibited. Nor may a driver seek passengers by repeatedly and persistently driving the taxi to and fro in a short distance.
- f. Waybills for the transportation of passengers shall be kept for a period of ninety (90) days and shall be available for inspection upon request by a Watertown police officer.

The waybill shall include a record of the fare from the point of origin to the point of destination and the fare collected, the date and time of the trip, and the number of passengers.

11. Fares for Taxi Cabs

- a. The Licensing Board shall, from time to time, set the rates of fare for taxi cabs operating within the Town of Watertown, said rates to apply equally to all licensees.
- b. The Licensing Board also may set the rates for waiting times. Waiting time shall include all time during which the vehicle is not in motion, beginning five (5) minutes after its arrival to the place at which it was called. However, no charge shall be made for time lost through the inefficiency of the vehicle or its driver, or for premature arrival in response to a call.
- c. The driver of a taxi cab shall display on the inside of the vehicle, in clear view of the passenger, a card indicating the current rate of fare as approved by the Licensing Board.
- d. Taxi cab owners may set a standard rate for transportation to prominent places outside the Town limits, such as airports, hotels, or hospitals, as long as these rates are posted within the taxi cabs in a position clearly visible to the passengers.
- e. Immediately upon taking on a passenger, the taxi driver shall place the taximeter in recording position and shall keep the taximeter in recording position as long as the taxi cab is engaged, unless the driver and passenger have reached a mutual agreement beforehand on the rate to be charged.
- f. All tolls shall be paid by the passenger, unless the driver and passenger have agreed on an appropriate rate before then.

D. Livery/Limousine Licenses

1. Definition

A livery/limousine is any limousine or other vehicle that is designed to carry 15 or fewer passengers, including the driver, and that carries passengers for hire, or for business courtesy, for employee shuttle, for customer shuttle, for charter or other pre-arranged transportation, and which vehicle is not required to obtain a taxicab license pursuant to M.G.L. Chapter 40, Section 22. (540 CMR 2.05)

2. Application Procedure for Livery/Limousine License

To obtain a limousine/livery license in Watertown, the applicant must comply with the following procedures. Application forms may be obtained from the Licensing Board clerk.

- a. Complete the application form in duplicate. Require each driver working for you to complete a separate application form.
- b. Include with this application form the following items:
 - 1) Submit a list showing the number of vehicles to be used in the exercise of the license and the place of garaging for each vehicle.
 - 2) Prepare a legal ad for publication and submit this ad to the Licensing Board Clerk along with the completed application.
 - 3) If you have an office and/or garage in Watertown, include with the application a site plan for that office/garage. Also consult the Zoning Enforcement Officer; you must comply with all zoning ordinances in Watertown to be eligible for a limousine/livery license.
 - 4) If your operation is a corporation, submit two copies of the corporation's Articles of Organization with the application.
 - 5) If you are an individual doing business under a name other than your own, provide evidence that a current Business Certificate is on file with the Town Clerk.
 - 6) Submit the filing fee with the application and make the check payable to the Town of Watertown.
- c. Submit the completed application form and all additional information to the Licensing Board Clerk. Applications will be scheduled for a Licensing Board Hearing only when all forms have been completed satisfactorily prior to the deadline set for such submissions for that month's hearing.

3. Requirements for Operation

- a. Each livery/limousine vehicle which is not also a licensed hackney carriage may pick up and transport a person or package only under one of these conditions:
 - 1) The pickup and transport are based on a contract that was pre-arranged significantly prior to the time of the pickup.

- 2) The pickup and transport are based on a contract made pursuant to the prospective rider's telephone call to a company that receives requests of transportation for hire.
- b. A licensed limousine or livery vehicle which is not also a licensed hackney carriage cannot pick up a person in response to a street hail, cannot stand in a public cab stand, and cannot stand in a special cab stand authorized for the use of Watertown Hackney Carriages only.
 - c. Licenses to operate livery/limousine services cannot be transferred without the consent of the Licensing Board.
 - d. Prior to the license being issued, each operator of a livery/limousine vehicle must obtain an operator's license from the Watertown Police Department. A copy of the verification of satisfactory vehicle inspection by the Police Department, as required under subsection B.2, and a copy of each operator's license must be submitted to the Licensing Board clerk.

4. Vehicle Registrations and Display

Subject to 540 CMR 2.05 (4)(i)1., 2., and 3., any motor vehicle classified as a Livery vehicle under 540 CMR 2.05 shall, upon registration, display a LIVERY registration number plate. The following exceptions and additions also apply.

- a. This provision shall not prevent a vehicle that meets the requirements for a registration number plate (under M.G.L. c. 90) bearing the International Symbol of Access from displaying such registration number plates.
- b. Any vehicle that meets the definition of Livery Vehicle only by virtue of its use pursuant to a short-term rental agreement of not more than seven (7) consecutive days and thirty (30) days in the aggregate in any calendar year need not display a Livery registration number plate during the rental period, provided the following four conditions are met:
 - 1) The rental agreement meets the insurance and other requirements of M.G.L. c. 90, Section 32E.
 - 2) The rental agreement is carried in the vehicle.
 - 3) The vehicle is properly registered based upon its use just prior to the start of the short-term rental period.
 - 4) The vehicle is owned by an entity whose regular business is vehicle rental.
- c. Any vehicle that meets the definition of a Livery Vehicle but is used exclusively to provide transportation in connection with a program of the Commonwealth of Massachusetts Department of Mental Retardation and/or Department of Mental

Health may display either the Livery registration number plate or a Passenger registration number plate subject to these conditions:

- 1) If this vehicle displays the Passenger registration number plate, there shall be no business advertisements or markings thereon.
- 2) If this vehicle displays the Passenger registration number plate, there shall also be, within the vehicle, in a readily accessible place for examination by law enforcement officials upon request, written evidence of the relationship with the Department(s). Further, this written evidence must be supplied by the Department(s) and must specifically include the expiration date for the current relationship(s) with the Department(s).

E. Shuttle/Jitney Licenses (M.G.L. c.159A § 1-4)

1. Definition

A shuttle/jitney license is required for any person operating any motor vehicle upon any public way in Watertown for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that of a railway company, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini.

- a. However, no license, certificate, or permit shall be required in respect to such carriage of passengers as is exclusively interstate.
- b. The Town Council, with the advice and consent of the Watertown School Committee, may issue a license for the use within Watertown of school buses for public events promoting the public good for any period not to exceed seventy-two (72) hours.

2. Approval Procedure for Shuttle/Jitney License

As required under Massachusetts General Laws c. 159A, § 1-4, the shuttle/jitney license must be issued by the Town Council. The procedure for approval is as follows:

- a. Application for a shuttle/jitney license must be completed and submitted to the Watertown Licensing Board.
- b. Within 45 days of receiving a properly completed application, the Licensing Board shall consult with the Watertown Traffic Commission, hold a public hearing on the application, and transmit its recommendation to the Town Manager.

- c. Following the receipt of the Licensing Board recommendation, the Town Manager shall transmit said recommendation to the Town Council and also indicate his/her own approval or disapproval of that recommendation.
- d. The Town Council, upon receipt of the recommendation from the Town Manager, shall vote on whether to accept the recommendation of the Licensing Board.
 - 1) If the Town Council does not act on the matter within sixty (60) days after the filing of a properly completed application, the Council shall be deemed to have accepted the recommendation of the Licensing Board.
 - 2) If any application for a shuttle/jitney license is not favorably acted upon within a period of 60 days after the filing of a properly completed application, the applicant may appeal to the Department of Public Utilities within 5 (five) days of the expiration of said period. Further, if notice of unfavorable action is sooner given, the applicant may, within five (5) days of said notice appeal that decision to the Department of Public Utilities. Such appeals must be in the form of a written petition setting forth all the material facts in the case.

3. Application Procedure for Shuttle/Jitney License

To obtain a shuttle/jitney license in Watertown, the applicant must comply with the following procedures. Application forms may be obtained from the Licensing Board Clerk.

- a. Complete the application form in duplicate. Require each driver working for you to complete a separate application form.
- b. Include with this application form the following items:
 - 1) Submit a list showing the number of vehicles to be used in the exercise of the license and the place of garaging for each vehicle.
 - 2) Provide a copy of the specific route(s) that you will be using in the Town of Watertown.
 - 3) Prepare a legal ad for publication and submit this ad to the Licensing Board Clerk along with the completed application.
 - 4) If you have an office and/or garage in Watertown, include with the application a site plan for that office/garage. Also consult the Zoning Enforcement Officer; you must comply with all zoning ordinances in Watertown to be eligible for a shuttle/jitney license.

- 5) If your operation is a corporation, submit two copies of the corporation's Articles of Organization with the application.
 - 6) If you are an individual doing business under a name other than your own, provide evidence that a current Business Certificate is on file with the Town Clerk.
 - 7) Submit a filing fee with the application. Make the check payable to the Town of Watertown.
- c. Submit the completed application form and all additional information to the Licensing Board Clerk. Applications will be scheduled for a Licensing Board Hearing only when all forms have been completed satisfactorily prior to the deadline set for such submissions for that month's hearing.

4. Requirements for Operation

- a. The licensee shall maintain proper service over the route(s) for which the license is issued.
- b. No person operating any motor vehicle licensed as a shuttle/jitney shall refuse to carry any person requesting to be carried as a passenger therein, unless one of the following conditions applies:
 - 1) All the seats of said motor vehicle are fully occupied and the number of passengers thereon equals the number the operator is allowed to carry at one time.
 - 2) The person requesting to be carried as a passenger is intoxicated or disorderly.
- c. The number of passengers permitted to be carried at any time within the licensed shuttle/jitney shall be equal to or less than the number of seats within said vehicle.
 - 1) No passenger shall be permitted to ride upon any fender, dash, top floor, steps, or running board of any such vehicle.
 - 2) However, children under the age of seven years may be carried in the arms or seated in the laps of parents or adult persons accompanying them, provided that no passenger with a child in arms or seated on the lap shall be permitted to sit with or immediately next to the driver of the vehicle.
- d. Every shuttle/jitney shall come to a full stop immediately before crossing the tracks of any railroad at grade.

- e. Every person operating a shuttle/jitney shall deliver any article left therein by any passenger to the officer in charge of the lost-and-found department of the licensee no later than 24 (twenty-four) hours after finding said item.
- f. Licenses to operate shuttle/jitney vehicle(s) cannot be transferred without the consent of the Licensing Board.
- g. Prior to the license being issued, each operator of a shuttle/jitney must obtain an operator's license from the Watertown Police Department. A copy of each operator's license must be submitted to the Licensing Board clerk.

IX. Other Licensed Activities

The following activities and those specified in Section X cannot be conducted in the Town of Watertown until a license for that specific activity has been issued by the Licensing Board. Persons obtaining such licenses are subject to the General Requirements outlined in Section III and in Section X.C.

Licenses for these activities are required even if the applicant already engages in a licensed activity similar to the activity cited here. For example, a club licensed to sell alcoholic beverages must also obtain a license for a 2 a.m. closing on New Year's Eve, and an auto repair shop owner who wishes to sell used cars must also obtain an Automobile Dealers license.

1. Alcohol licenses are required for the following:
 - a. New Year's Eve parties where closing will be at 2 a.m.
 - b. A 1 a.m. closing for any establishment licensed to sell and serve alcoholic beverages
2. Licenses are required for the following automotive-related activities:
 - a. Automobile dealers Classes I, Class II, and Class III
 - b. Motor vehicles for hire (see also Section VIII, Watertown Licensing Board Rules and Regulations)
 - c. Open-air parking spaces for a fee
3. An extended-hours (24-hour) license is required for any store that is open 24 hours and sells food.
4. Licenses are required for the construction and operation of new or additional gasoline-storage facilities.
5. An extended-hours Sale of Petroleum special license is required for any gas station that will remain open 24 hours for the sale of gasoline.
6. Permits/licenses are required for these activities: fortune-telling, billiard table, bowling alley, hand distribution of free materials, junk collector, lodging house, pool table, sound truck, second-hand dealer, underground storage, use of municipal parking lot, and yard sale.

X. Special Licenses and Permits

The activities listed below require special permits or licenses from the Licensing Board.
Requests must be made at least 45 days prior to the proposed event.

Some requests shall be approved without a formal, public hearing, as noted below. However, those that require a formal, public Board hearing, in addition to the stipulated submissions, also require an appearance at the hearing by the responsible manager for the proposed event.

A. Permits Issued Without Formal Hearing

1. Auction
2. Block parties
3. Car washes
4. Carnivals, festivals and fairs confined *entirely within* a facility and/or property owned by the person(s) or organization(s) hosting the event, *unless the event includes serving of alcohol*
5. Christmas tree vendor
6. Craft fairs
7. Extension of hours by a licensed establishment without an alcohol-service license
8. Rally
9. Sidewalk sales, tag days, and similar activities

B. Permits/Licenses That Require a Formal Hearing

1. One-day Special Liquor Licenses
2. A one-day extension of hours for establishments with alcohol-service licenses.
3. Farmers' Markets
4. Carnivals, festivals and fairs **not** confined entirely within a facility and/or property owned by the person(s) or organization(s) hosting the event (if the event includes serving of alcohol, it also requires a one-day Special Liquor License)
5. Operation of a sound truck

6. Parades, motorcades, and similar organized transport activities, excluding those organized by public-safety and/or law-enforcement officials for dignitaries and similar visitors
7. Public dances, concerts, and other public diversions
8. Road races, walk-a-thons, and similar road-use activities

C. General Procedures for All Permits and One-Day Licenses

1. All permits/licenses must be requested at least 45 days prior to the event.
2. Submitted applications must include maps showing area(s) for the event, estimated number of attendees along with the basis for that estimate, and a description of where and how the event will be promoted (including media used, audience, and content of ads).
3. When all documentation is complete and verified, the application shall be submitted to the Licensing Board Clerk (in the Town Clerk's office). *Incomplete applications will not be accepted, and a complete application must be submitted at least 45 days prior to the event.*
4. If a formal hearing is required for the permit/license, upon receipt of a completed application the Board Clerk will place the request on the next hearing's agenda.
5. If a formal hearing is required, the responsible manager for the event must appear at the scheduled hearing date.
6. Permits/licenses for events approved by the Board shall be issued within one week of the hearing and must be picked up at the Town Clerk's office prior to the event date.
7. Permits/licenses for approved events must be displayed at the site and be readily available for any authorized Town agent to review.

D. Detailed Procedure for Special Licenses

1. In addition to the General Procedures cited previously, the manager of the proposed event's location must verify prior to submission that an application has all the required information:
 - a. Event date, time, and number of guests, including the basis for the estimated number
 - b. Full description of the event, including:

- (1) Type of event (for example: wedding reception, annual founders' dance, employee holiday party with Santa, high-school graduation party for invited guests only, fundraiser with auction and catered dinner, boxing event for charity, sanctioned Olympics wrestling event, fund raiser featuring Elvis impersonators ... in other words: details details details!)
 - (2) Whether the event is open to the public and if so, how and where it will be advertised
 - (3) Who is expected to attend ("target audience") and the expected age range of guests
 - (4) Specifications for delivery, storage, and removal of alcohol to be served at the event
- c. Whether guests will pay for the alcohol
 - d. Name of the **person** hosting the event (for organizations, this is the person who is the responsible representative at this event)
 - e. If a non-profit or public charity, a **current** tax-exempt certification (an approved 501c3 or MA ST2 certificate of exemption) and evidence that the person named as host is an authorized representative of the organization. An *authorized representative* is someone listed as such in the MA Secretary of State database, or certified as such via notarized letter by one of the persons listed in the MA database, or listed as such on current federal IRS Form 990s.
 - f. Copy of contract with the function hall/site for the event
 - g. Map indicating location(s) where the alcohol will be served, where it will be stored prior to service, and where it will be secured following the service until it is removed from premises
2. When all documentation is complete and verified, the application shall be submitted to the Licensing Board Clerk (in the Town Clerk's office). *Incomplete applications will not be accepted, and a completed application must be submitted at least 45 days prior to the event.* The Board Clerk will place the request on the next hearing's agenda.
 3. Upon acceptance of a completed application, the Board Clerk shall send copies to all Town Departments that should provide comments, investigate sites, or specify restrictions for the event.
 4. At the scheduled hearing, the host for the event or an authorized representative must appear. However, if the event is scheduled at one of the Town function halls or at the Commander's Mansion, a person from the hall/mansion may appear as the representative for the events scheduled at that site. *Note: If an event's host or representative does not appear, the event will not be licensed.*

At the hearing, the applicant must present a contract with a wholesaler from the ABCC-approved list that will provide the alcohol, or a receipt for the purchase of the alcohol from a wholesaler on the approved list. The applicant also must submit a list of proposed alcohol servers, with copies of their current TIPS or equivalent certification and proof of liability insurance.

Section XI: Inspections and Investigations

All licensed premises and licensed activities are subject to inspection by the Watertown Police Department and other duly authorized agents of the Town of Watertown or the Licensing Board.

- Any licensee who hinders or delays a police officer or other authorized agent of the Board during the performance of that agent's duties shall be subject to disciplinary hearings before the Board.
- Any licensee who refuses to admit a Licensing Board agent to any place which such agent is authorized to inspect shall be subject to disciplinary hearings before the Board.
- All complaints and reports submitted to the Licensing Board shall continue in force until they are reviewed and disposed of by the Board.

Section XII: Violations and Responses

Any license issued by the Licensing Board may be modified, suspended, or revoked by the Board, after notice and a hearing. Such Show Cause hearings may be convened for the following reasons:

1. Violation of any provision of the General Laws of the Commonwealth, or the Ordinances of the Town of Watertown, or the Rules and Regulations of the Alcoholic Beverages Control Commission, or the Rules and Regulations of the Watertown Licensing Board.
2. Failure to comply with any condition, stipulation, or agreement upon which any license was issued or renewed by the Licensing Board or upon which any application or petition relating to the license or licensed premises was granted by the Board.
 - a. Violations by employees and other personnel on the licensed premises shall be considered violations by the licensee.
 - b. It is the responsibility of the licensee to ensure that all appropriate personnel at the licensed premises are familiar with the Rules and Regulations of the Board and of any conditions upon the license.

3. Fraud, misrepresentation, or concealment of facts by the licensee in connection with a license application or permit or renewal.
4. Fraud, misrepresentation, or concealment of facts by the licensee in connection with any petition affecting the rights of the license.
5. Fraud, misrepresentation, or concealment of facts by the licensee in connection with any interview or hearing conducted by the Licensing Board or any of its duly authorized agents in connection with any application, request, or petition affecting the rights of the license.
6. No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.
7. Failure to operate the premises covered by the license.
8. Refusal or failure of any licensee to appear at any hearing conducted by the Licensing Board with respect to an application or matter bearing upon the conduct of the licensed activity or bearing upon the character and fitness of such person to continue to hold a license.
9. Failure to properly comply with suspension orders imposed by the Licensing Board.

In addition to the penalties that may be accrued by licensees, the following applies to persons conducting activities that require a license:

1. Any person conducting an activity requiring a license from the Licensing Board without having received an appropriate license therefore shall be subject to the following penalties pursuant to non-criminal disposition enforcement proceedings in accordance with the Watertown Ordinances:
 - First Offense: \$25.00
 - Second Offense: \$50.00
 - Third Offense: \$100.00

Section XIII: Severability

If any of the provisions of these Rules and Regulations or the application thereof to any person or circumstance is held to be invalid for any reason, such invalidity shall not affect any other provision of these Rules and Regulations which can be given effect without the invalid provision or the application thereof.

Section XIV: Notice

A copy of the Rules and Regulations of the Watertown Licensing Board shall be placed on file in the office of the Town Clerk and shall be available for review by the public during the regular business hours of said office. Said filing of these Rules and Regulations shall constitute good and sufficient notice of same to all persons affected thereby.

Section XV: Amendment

The Licensing Board reserves the right to amend the foregoing Rules and Regulations.

Section XVI: Note of Gender and Number

Whenever the masculine gender is used in these Rules and Regulations, its use shall also include the female gender. Whenever the singular is used, its use includes, where logical, the plural.

Appendix A: Watertown Licensing Fees

These fees were adopted at the July 19, 2012, hearing of the Watertown Licensing Board and placed in effect starting January 1, 2013. Please note the following:

- Application fees are charged once, when an applicant requests a new license or requests the transfer of an existing license.
- Annual fees are charged (1) when a new license is granted or an existing license is transferred, and (2) every year that an existing license is renewed.
- Six-day licenses cover the period of Monday through Saturday.

Licensing Fees for Ongoing Activities

<u>License Type</u>	<u>Application Fee (\$)</u>	<u>Renewal Fee (\$)</u>
All Alcohol Club	100	1,250
All Alcohol Veterans Club	100	850
All Alcohol 7-day Common Victualler	100	2,700
All Alcohol 6-day Common Victualler	100	2,200
All Alcohol Package	100	2,300
All Alcohol Inn	100	2,700
All Alcohol Druggist	100	1,000
Wine & Malt 7-day Common Victualler	100	1,800
Wine & Malt 6-day Common Victualler	100	1,500
Wine & Malt Package Store	100	1,100
Common Victualler	100	150
Auto Repair	100	150
Auto Dealer (Classes I, II, and III)	100	200
Hackney, Livery/Limousine	100	125
Shuttle/Jitney Service	100	125
Amusement Device	100	100 each
Music Box	100	125
Entertainment (6-day)	100	150
Entertainment (Sunday)	100	75

<u>License Type</u>	<u>Application Fee (\$)</u>	<u>Renewal Fee (\$)</u>
Fortune Telling	100	100
Auctioneer (yearly license)	100	200
Billiard Table	100	25/table
Bowling Alley	100	200
Junk Collector	100	150
Letting Out of Motor Vehicles	100	200
Open-Air Parking	100	
1-10 vehicles	100	50
11-25 vehicles	100	100
26-50 vehicles	100	175
More than 50 vehicles	100	225
Pool Table	100	25/table
Sunday Pool Table	100	25/table
Second-Hand Dealer	100	225
24-Hour Opening	100	100
24-Hour Sale of Food at Retail	100	100 ^a
Vendor	100	200
Lodging House	100	500
Underground Storage	100	[TownCouncil] ^b

^aThe applicant must acquire two licenses: one for the 24-hour opening, and one for the 24-hour sale of food at retail.

^bThese fees are set by the Town Council, not by the Licensing Board.

Licensing Fees for Short-Term Activities

<u>License Type</u>	<u>Activity Fee (\$)</u>
1-Day Special Alcohol License	50
1-Day Auction	100
1 a.m. Closing	50
Block Party	25
Car Wash	25

<u>License Type</u>	<u>Activity Fee (\$)</u>
Carnival	75
Christmas Tree Sale	50
Concert in Park: Food Vendors	50
Concert in Park: Musicians	50
Craft Fair	50
Early Opening	25
Flea Market, after 1 p.m.	50
Flea Market, before 1 p.m.	50
Hand Distribution of Free Materials	25
New Year's Eve	75
Parade	50
Public Dance	50
Public Diversion	50
Rally Demo	50
Road Race	25
Sidewalk Sale	50
Sound Truck	30/day
Special Sunday Opening	75
Tag Day	25
Use of Municipal Parking Lot	75
Walk-A-Thon	25
Yard Sales	25

New Year's Eve Licenses and Fees

Organizations (clubs) and restaurants may stay open until 2:00 A.M. for New Year's celebrations by filing an application for the appropriate permits, as detailed in the table below; paying the Total Fee noted in the table; and obtaining approval for the permits from the Watertown Licensing Board.

Approval of an application requires the licensee to observe the following closing times:

- The serving of alcoholic beverages shall stop at 1:00 a.m.
- All activities at the premise shall stop at 2:00 a.m.
- All patrons must be off the premises no later than 2:30 a.m.

Licenses and Fees Required

Applicant	1-Day Liquor License	New Year's Eve: Late Close Permit	Special Sunday License	Total Fee
Club: no liquor license	50.00	75.00	75.00	200.00
Club: with liquor license		75.00		75.00
Restaurant: 6-Day		75.00	75.00	150.00
Restaurant: 7-Day		75.00		75.00